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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JULIE JACOBY,

Plaintiff,

-against-

HARTFORD LIFE AND ACCIDENT INSURANCE
COMPANY,

Defendant.

No.: 07 Civ. 4627 (LAK) (RLE)

**NON-CONFIDENTIAL MEMORANDUM IN SUPPORT OF DEFENDANT'S
MOTION TO SEAL THE ADMINISTRATIVE RECORD**

Defendant Hartford Life and Accident Insurance Company (“Hartford”), by counsel, states the following in support of its Motion to Seal the Administrative Record.

1. Plaintiff Julie Jacoby brought this action pursuant to the Employee Retirement Income Security Act (“ERISA”), 29 U.S.C. § 1001 *et seq.* In its Scheduling Order, issued September 19, 2007, the Court ordered the parties to submit any summary judgment motions on or before March 12, 2008 (the deadline for the joint pretrial order). In order for the Court to evaluate Hartford’s motion for summary judgment on this ERISA claim, Hartford must file the administrative record of Ms. Jacoby’s claim for benefits. This 1845-page administrative

record contains, among other things, Ms. Jacoby's medical records, employment documents, and numerous personal identifiers.

2. Pursuant to the policy of the Judicial Conference of the United States and the E-Government Act of 2002, Pub. L. No. 107-347, parties are required to omit or, where inclusion is necessary, partially redact from all pleadings, documents, and exhibits filed with the Court, whether electronically or on paper, certain personal data identifiers, including: (1) minors' names, (2) financial account numbers, (3) Social Security numbers, and (4) dates of birth.

3. Parties should also omit, or where inclusion is necessary, partially redact the following confidential information from all pleadings, documents, and exhibits, whether filed electronically or on paper, unless the Court orders otherwise: (1) personal identifying numbers, such as a driver's license number, (2) medical records, including documents pertaining to treatment and diagnosis, (3) employment history information, (4) individual financial information, and (5) proprietary or trade secret information.

4. This Court's "Notice Regarding Privacy And Public Access To Electronic Civil And Criminal Case Files" states, in accordance with the E-Government Act of 2002, that a party may file under seal an unredacted document containing the personal identifiers described above.

5. As stated, the 1845-page administrative record for this disability benefits case contains countless personal data identifiers and other confidential information, including medical records and employment information. Furthermore, the personal data identifiers and other confidential information contained in the administrative record, particularly the medical records and employment history information, are essential to the Court's review of this ERISA

case and cannot be feasibly redacted from the record. Redacting all the personal identifiers and other confidential information from the administrative record would hinder the Court's review of this case and would be unduly burdensome for Hartford.

6. For the foregoing reasons, good cause exists for the Court to seal the administrative record in this case, and the interests of justice dictate that the Court should exercise its discretion to seal the administrative record.

7. Counsel for Hartford conferred with counsel for Plaintiff, and he does not oppose this Motion.

For the foregoing reasons, Hartford Life and Accident Insurance Company respectfully requests that the Court enter an Order directing that the administrative record for this case be filed under seal. A proposed Order granting this relief has been filed simultaneously herewith.

Dated: New York, New York
February 27, 2008

HARTFORD LIFE AND ACCIDENT
INSURANCE COMPANY

By: 

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CERTIFICATE OF SERVICE

I hereby certify that I am attorney for Defendant and that on February 27, 2008, I electronically filed a copy of the foregoing with the Clerk of the Court and served a copy of the same by first class mail to the following:

TO:

Scott M. Riemer
60 East 42nd Street
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Dated: New York, New York
February 27, 2008


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